Support the review and amendment to SEPP 44. It is outdated and ineffective. A total overhaul of land use planning mechanisms needs to be considered, developed, implemented and reviewed within a 5 year timeframe.

No supporting background information has been provided with the Explanation of Intended Effect in regards to the effectiveness of the current SEPP or even using a SEPP as an appropriate instrument to achieve protecting, managing and enhancing koala habitat and populations long-term particularly in rural areas. It is noted that a small handful of local governments have a Plan of Management and in many cases it took many years to develop. Outside of an approved plan of management, it is not clear if local governments especially in rural areas where SEPP applies are administering the SEPP correctly (or at all) through their development assessment planning responsibilities. Investigation into the ability of rural LGAs to effectively implement SEPP (eg suitability qualified staff to implement the SEPP, resources), needs to be addressed.

Aim of SEPP

The use of "encourage" in the "aim" of the SEPP is too weak. This implies that developing a Plan of Management Council wide or assessing development applications may not need to be undertaken by a Council (which has been the case). As an example, the Queensland Government’s specific koala state planning policies are more direct in their strategic planning and development application requirements for addressing impacts on koala habitat, corridors and populations and may be a suitable example that the SEPP could require.

As such amendments to the SEPP which provide a more descriptive approach to when SEPP is triggered, how to assess applications, criteria to assess applications and information such as condition examples that councils can use in their development approvals is required.

Generally, the proposed amendments to SEPP 44 - Koala Habitat Protection including changes of definition of koala habitat, list of tree species, list of councils and development assessment processes are supported but are the minimum. The SEPP should also address the need for koala habitat offsets to be included in development approval/strategic planning processes including biocertification. The SEPP needs to be based on best practice koala planning and have more legislative recognition on when and where it must apply. It should also include the following:

- Koala Assessment Report requirements - what needs to be included by and prepared by who (suitably qualified and experienced expert in koala habitat and population assessment)
- Koala habitat and population assessment guidelines for DAs and strategic planning processes such as POM for LEP
- Requirements for developing a POM and rezoning requirements with supporting development assessment criteria (eg performance criteria)
- Koala Sensitive Design Guidelines - to assist developers and council officers involved in development applications
- Development approval conditions examples (template) - for Councils
- Koala Habitat rehabilitation and offset requirements

The SEPP or another planning mechanism must include the provision for land use planning and development approvals to be refused where development will impact on koala populations and habitat. As seen in SEQ, planning mechanisms such as the SEQ Regional Plan and the Koala Plan and SPP did little to appropriately address development impacts on Koalas in urban areas.

Application of SEPP

Local Government Authorities - The Gwydir Shire Council area has been excluded from the amended LGAs in the EOIE. Bingara was included in the original SEPP and is now with the Gwydir Shire Council area. Amend the proposal to include Gwydir Shire Council. The SEPP should also apply to other land eg Council land as well.

Appendix - Tree Species List - not sure how the list was developed especially with the inclusion of Callitris endlicheri and Casuarina torulosa in the list. It is assumed that these are key shelter trees, however no explanation is provided. It may be more relevant to have a list of fodder and shelter trees per LGA or LLS region as a one list does not address the vast area covering core koala habitat across NSW.